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Dated: May 19, 2006

Signature: George K. Ng
(George K. Ng)

Docket No.: LOREAL 3.0-057
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Gilles Baudin

Application No.: 10/645,430

Group Art Unit: 3754

Filed: August 21, 2003

Examiner: E. S. Keasel

For: RECEPTACLE HAVING A
REINFORCED WALL

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This communication is in response to the Office Action mailed April 20, 2006, setting forth a Restriction Requirement in the above-identified application. In the Office Action, the Examiner required restriction to one of the following inventions under 35 U.S.C. §121:

I. Claim 26, drawn to a receptacle with a body, neck, rub, and groove, classified in class 215, subclass 376.

II. Claims 24 and 25, drawn to a receptacle with a body, neck, and bead, classified in class 215, subclass 376.

III. Claims 1-23, drawn to a receptacle with a body, neck, and dispensing device, classified in class 222, subclass 92.

In response, Applicant hereby elects the invention of Group III, corresponding to claims 1-23. This election is made with traverse. Applicant reserves the right to file a divisional application corresponding to the non-elected claims.

Applicant respectfully requests modification of the restriction to combine Groups I and II. Specifically, the Patent Office has not made a *prima facie* case of burden in that the "inventions" of both Group I and Group II are primarily classified in the same class and subclass. Therefore, a search of one "invention" in one of these groups will necessarily entail a review of the art involved for examining another "invention" in the other group.

Additionally, the Patent Office required election of one of the following species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

Species A. Figs. 1-3.

Species B. Figs. 4 and 5.

Species C. Figs. 6 and 7.

Species D. Figs. 8-12.

In response to the election of species requirement, Applicant hereby selects the species of Figs. 1-3, or Species A. This selection is made without traverse. Applicant believes at least claims 1-15 and 19-23 to be readable on the selected species. Applicant reserves the right to file a divisional application with claims readable on the non-elected species.

In the event any fee is due in connection with the present response, the Examiner is authorized to charge Applicant's Deposit Account No. 12-1095 therefor.

Dated: May 19, 2006

Respectfully submitted,

By George R. Ng

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